

Federal Communications Commission

§ 76.155

setting forth in full the provisions pertinent to the duration, nature, and extent of the non-duplication terms concerning broadcast signal exhibition to which the parties have agreed.

[54 FR 12918, Mar. 29, 1989; 54 FR 25857, June 20, 1989]

§ 76.95 Exceptions.

(a) The provisions of §§ 76.92–76.94 shall not apply to a cable system serving fewer than 1,000 subscribers.

NOTE TO § 76.95 (a): Section 76.1609 contains notification requirements for a cable system that meets the 1,000 subscriber threshold of this section.

(b) Network non-duplication protection need not be extended to a higher priority station for one hour following the scheduled time of completion of the broadcast of a live sports event by that station or by a lower priority station against which a cable community unit would otherwise be required to provide non-duplication protection following the scheduled time of completion.

[53 FR 27171, July 19, 1989, as amended at 54 FR 12919, Mar. 29, 1989; 65 FR 53615, Sept. 5, 2000]

EFFECTIVE DATE NOTE: At 65 FR 53615, Sept. 5, 2000, § 76.95 was amended by revising paragraph (a) and by adding a Note, effective Oct. 5, 2000. For the convenience of the user, the superseded text appears as follows:

§ 76.95 Exceptions.

(a) The provisions of §§ 76.92–76.94 shall not apply to a cable system serving fewer than 1,000 subscribers. Within 60 days following the provision of service to 1,000 subscribers, the operator of each such system shall file a notice to that effect with the Commission, and serve a copy of that notice on every television station that would be entitled to exercise network non-duplication protection against it.

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§ 76.97 Effective dates.

The network non-duplication protection and exceptions thereto outlined in §§ 76.92 through 76.95 shall become enforceable on January 1, 1990. The rules in effect on May 18, 1988, will remain operative until January 1, 1990.

[54 FR 12919, Mar. 29, 1989; 54 FR 25857, June 20, 1989]

§ 76.151 Syndicated program exclusivity: Extent of protection.

Upon receiving notification pursuant to § 76.155, a cable community unit located in whole or in part within the geographic zone for a syndicated program, the syndicated exclusivity rights to which are held by a commercial television station licensed by the Commission, shall not carry that program as broadcast by any other television signal, except as otherwise provided below.

NOTE: With respect to each syndicated program, the geographic zone within which the television station is entitled to enforce syndicated exclusivity rights shall be that geographic area agreed upon between the non-network program supplier, producer or distributor and the television station. In no event shall such zone exceed the area within which the television station has acquired broadcast territorial exclusivity rights as defined in § 73.658(m). To the extent rights are obtained for any hyphenated market named in § 76.51, such rights shall not exceed those permitted under § 73.658(m) for each named community in that market.

[53 FR 27171, July 19, 1988, as amended at 54 FR 12919, Mar. 29, 1989]

§ 76.153 Parties entitled to syndicated exclusivity.

(a) Television broadcast station licensees shall be entitled to exercise exclusivity rights pursuant to § 76.151 in accordance with the contractual provisions of their syndicated program license agreements, consistent with § 76.159.

(b) Distributors of syndicated programming shall be entitled to exercise exclusive rights pursuant to § 76.151 for a period of one year from the initial broadcast syndication licensing of such programming anywhere in the United States; provided, however, that distributors shall not be entitled to exercise such rights in areas in which the programming has already been licensed.

§ 76.155 Notification.

(a) In order to exercise exclusivity rights pursuant to § 76.151, distributors or television stations shall notify each cable television system operator of the exclusivity sought in accordance with

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the requirements of this section. Syndicated program exclusivity notices shall include the following information:

(1) The name and address of the party requesting exclusivity and the television broadcast station or other party holding the exclusive right;

(2) The name of the program or series (including specific episodes where necessary) for which exclusivity is sought;

(3) The dates on which exclusivity is to begin and end.

(b) Broadcasters entering into contracts on or after August 18, 1988, which contain syndicated exclusivity protection shall notify affected cable systems within sixty calendar days of the signing of such a contract. Broadcasters who have entered into contracts prior to August 18, 1988, and who comply with the requirements specified in § 76.159 shall notify affected cable systems on or before June 19, 1989; provided, however, that with respect to such pre-August 18, 1988, contracts that require amendment in order to invoke the provisions of these rules, notification may be given within sixty calendar days of the signing of such amendment. A broadcaster shall be entitled to exclusivity protection beginning on the later of:

(1) The date specified in its notice to the cable television system; or

(2) The first day of the calendar week (Sunday-Saturday) that begins 60 days after the cable television system receives notice from the broadcaster;

(c) In determining which programs must be deleted from a television broadcast signal, a cable television system operator may rely on information from any of the following sources published or otherwise made available.

(1) Newspapers or magazines of general circulation;

(2) A television station whose programs may be subject to deletion. If a cable television system asks a television station for information about its program schedule, the television station shall answer the request:

(i) Within ten business days following the television station's receipt of the request; or

(ii) Sixty days before the program or programs mentioned in the request for

information will be broadcast; whichever comes later.

(3) The distributor or television station requesting exclusivity.

(d) In the event the exclusivity specified in paragraph (a) of this section has been limited or has ended prior to the time specified in the notice, the distributor or broadcaster who has supplied the original notice shall, as soon as possible, inform each cable television system operator that has previously received the notice of all changes from the original notice. In the event the original notice specified contingent dates on which exclusivity is to begin and/or end, the distributor or broadcaster shall, as soon as possible, notify the cable television system operator of the occurrence of the relevant contingency. Notice to be furnished "as soon as possible" under this subsection shall be furnished by telephone, telegraph, facsimile, overnight mail or other similar expedient means.

[53 FR 27171, July 19, 1988, as amended at 54 FR 12919, Mar. 29, 1989]

§ 76.156 Exceptions.

(a) Notwithstanding the requirements of §§ 76.151–76.155, a broadcast signal is not required to be deleted from a cable community unit when that cable community unit falls, in whole or in part, within that signal's grade B contour, or when the signal is significantly viewed pursuant to § 76.54 in the cable community.

(b) The provisions of §§ 76.151–76.155 shall not apply to a cable system serving fewer than 1,000 subscribers.

NOTE 1 TO § 76.156: Section 76.1609 contains notification requirements for a cable system that meets the 1,000 subscriber threshold of this section.

[53 FR 27171, July 19, 1988, as amended at 65 FR 53615, Sept. 5, 2000]

EFFECTIVE DATE NOTE: At 65 FR 53615, Sept. 5, 2000, § 76.156 was amended by revising paragraph (b) and by adding a note, effective Oct. 5, 2000. For the convenience of the user, the superseded text appears as follows:

§ 76.156 Exceptions.

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(b) The provisions of §§ 76.151–76.155 shall not apply to a cable system serving fewer